

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

EIRINI ZAGKLARA, individually and)
as personal representative of the estate of)
IOANNIS ZAGKLARAS,)
)
Plaintiff,) Docket no. 2:10-cv-445-GZS
)
v.)
)
SPRAGUE ENERGY CORP.,)
)
Defendant & Third Party)
Plaintiff,)
)
v.)
)
LEOPARD SHIPPING et al.,)
)
Third Party Defendants.)

ORDER ON MOTION FOR RECONSIDERATION

Before the Court is Third Party Defendant's Motion for Reconsideration (ECF No. 155).

The Court received no responses by the expedited response deadline. Nonetheless, the Court hereby DENIES the Motion for Reconsideration.

Via this Motion, Third Party Defendants Leopard Shipping Company Limited and A.M. Nomikos Transworld Maritime Agencies S.A (together, "Ship Owners") ask this Court to correct and clarify a portion of the January 22, 2013 Order on Motion for General Maritime Law (ECF No. 153). The Court notes that the Ship Owners filed no brief in connection with Plaintiff's underlying Motion for Application of General Maritime Law. Having failed to submit a response, the Ship Owners arguably have forfeited any right to ask for reconsideration.

However, the Court hereby clarifies that its Order on Motion for Application of General Maritime Law provides legal rulings that will control the upcoming jury trial of the claims between Plaintiff and Defendant. The Order was not necessarily intended to have the same application to the bench trial of the third party claims. If Ship Owners contend, as asserted in the pending Motion, that the Longshore & Harbor Worker's Compensation Act ("LHWCA"), 33 U.S.C. § 901 *et seq.*, as interpreted in the case law, defines the duties the Ship Owners owed to Defendant and/or Plaintiff, the Court expects that Ship Owners will fully brief that position in both the trial brief and any post-trial briefing. Before announcing any decision on the third party claims, the Court anticipates it will require post-trial memoranda as well as proposed findings of fact and conclusions of law. Upon review of this full briefing, the Court will make a final determination of the law controlling Defendant's claims against the Ship Owners.

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 4th day of February, 2013.